

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, July 28, 2014

Those Present: Mr. Dick Zimmerman, Chairman
Mrs. Maggi Hays, Board Member
Mr. Rick Stup, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Mr. Bob Shrum, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV
Mrs. Penny Bussard, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 9 am by Chairman Zimmerman.

1. Decision Required: New

RE: Douglas Oland and Frank
M. Hetrick
for the use of Vintage LLC
t/a Vintage
8 W. Main St.
New Market, MD 21774

Class B, On Sale, Beer, Wine and Liquor

Ms. Vahle swore in the applicants (See Sign In Sheet). The pending items are: the Occupancy Permit, the Fire Marshal, Health Department, Alcohol Awareness, the Background Check, the Manager's name and the Inspector's Report. Michelle Hoffman, Managing Partner, stated that they are in the process of obtaining the approvals and hiring employees. Mr. Stern, Attorney for the applicants stated they would like to open on August 20, 2014. Inspector DeLauter stated they are not ready to open yet.

MOTION: Mr. Stup made a motion for a Conditional Approval until September 8, 2014, subject to the Pending Items and the Inspector's Report.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

2. Decision Required: Transfer/Upgrade

TRANSFER FROM:

RE: Ashwini Kaushik, Zahid
Mahmood and
Satinderpal Bajwa
for the use of Ekta Corp.
t/a Jefferson Street
Exxon
400 S. Jefferson St.
Frederick, MD 21701
Class A, Off Sale, Beer Only

TRANSFER TO:

RE: Ashwini Kaushik and
Zahid Mahmood
for the use of Ekta Corp.
t/a Jefferson Street
Exxon
400 S. Jefferson St.
Frederick, MD 21701
Class A, Off Sale, Beer and Light Wine

Ms. Vahle swore in the applicants (See Sign In Sheet). There are no pending items. Ms. Vahle stated this licensee had one violation on July 18, 2011 for Sales to Minors in which they paid a \$1200 fine with 10 days suspension. Inspector Shrum stated they are compliant.

MOTION: Mr. Stup made a motion to approve the transfer/upgrade of the license.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

3. Decision Required: New

RE: Pornchai Rungrojcharoenkit
and Pallop Charenvootitam
for the use of JJJ Group LLC
t/a Lazy Fish
10 E Patrick St.
Frederick, MD 21701
Class B, On Sale, Beer, Wine and Liquor

Ms. Vahle swore in the applicants (See Sign In Sheet). The pending item is: the Fire Marshal Report. The licensee stated the Fire Marshal had approved. Inspector Shrum stated they are compliant. Ms. Vahle stated that Pallop Charenvootitam did not appear. Mr. Phakam, Manager stated he had an emergency at the last minute and could not appear.

MOTION: Mr. Stup made a motion to postpone the granting of the license until August 11, 2014 due to an applicant not appearing.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

4. Decision Required: Reconsideration of Late Filing Fee

RE: Krishan Kumar and Vidhu
Sharma for the use of
K & K Krishna LLC
t/a EZ Fill Getty
16603 S. Seton Ave.
Emmitsburg, Maryland 21727
Class A, Off Sale Beer and Wine
License Number 11AW 1260
Case # 7689

The Board held a reconsideration hearing for a Late Filing fine. Ms. Vahle swore in the licensees (See attached Sign In Sheet). Ms. Vahle stated the fine was \$1400. Chairman Zimmerman asked the licensees to explain their request for the reconsideration. Ms. Sharma stated she sent the gas agreement to the landlord as soon as she got it and he was late in signing it. He did not send it back in time. They have never been late before. She requested that the Board waive the fine.

MOTION: Mrs. Hays made a motion to waive the fine.

SECOND: Mr. Stup seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays – Aye
Mr. Stup – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

5. **Hampton Inn** - Ms. Vahle stated there was an issue regarding the use of the lighthouse which is a structure that is separate from the main building. They would like to use the lighthouse as the restaurant. Ms. Vahle swore in the licensees. Mr. Stup asked that they clarify where the alcohol would be used. Mr. Kane stated they would like to serve food and alcohol in the lighthouse and banquets would be held in the main building. They would also like to have a bar in the main building for banquets. There will be a covered but not enclosed walkway from the lighthouse to the main building. They presented photos of the walkway showing it is secure with high railings. There is a gate coming from the parking lot that they

can put a room key access card reader so that only guests of the hotel can come in from that area. They plan to use the patio for food and alcoholic beverages. There will be no alcoholic beverages in the pool area. The Board told Mr. Kane that Inspector DeLauter would meet with their builders to discuss the completion.

MOTION: Mr. Stup made a motion for a conditional approval of the request as modified so the property owner will utilize the lighthouse as the primary restaurant. There will be a covered walkway between the main structure and the lighthouse, and the patio area will continue to be used for food and alcohol. A restricted access area will be placed between the parking lot and the lighthouse.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

6. Decision Required: Approval of the Public Meeting Minutes for July 14, 2014.

MOTION: Mr. Stup made a motion to approve the Public Meeting Minutes for July 14, 2014.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**

(Motion Passed)

Decision Required: Approval of the Staff Meeting Minutes for July 14, 2014.

Mr. Stup had a correction to page 1 item 1, 5th sentence "General Manager, Mr. Greg Fernholz, the Construction Superintendent and Mr. French the Food and Beverage Manager." Correction #2 on page 4 at the top, "Commissioners" to "Commission", "has" to "have". Chairman Zimmerman had a correction to page 7, paragraph 8, "this issue" instead of "issue this" and correct nonrecurring, "and" open to the public.

MOTION: Mr. Stup made a motion to approve the Staff Meeting Minutes for July 14, 2014 as amended.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup - Aye
Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

7. **Offsite Hearing** – Mrs. Hays asked when the Hearing in Thurmont will be set. Ms. Vahle stated she will schedule the meeting.

ADJOURN

The meeting was adjourned at 10:10AM.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees